

FILED

APR 28 2008

EDWARD W. WIEKING
U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

No. CR- 08-0214 (VRW-JL)

NOTICE OF MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD
18 U.S.C.A 3006 A (b)

Date of Hrg.: 5-1-08
Time of Hrg.: 2:00 PM.
Department: 6

PLEASE TAKE NOTICE that on May 7, 2008 at 2:00 p.m. in the
d court, the defendant by and through his attorney will move for an order
s counsel of record pursuant to 18 U.S.C.A. 3006, et seq. This motion shall be
basis of this notice, the attached declaration of counsel, and on all matters on
ve-entitled case.

DATED: This 10th day of April 2008.

Respectfully submitted

CHARLES C. PIERPOINT
Attorney for Defendant

1 CHARLES C. PIERPOINT, ESQ.
State Bar # 54328
2 1700 S. El Camino Real, Suite 220
San Mateo, California 94402
3 Telephone: (650) 349-4653

4 Attorney for Defendant

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 SAN FRANCISCO DIVISION
8

9 UNITED STATES OF AMERICA,

No. CR- 08-0214 (VRW-JL)

10 Plaintiff,

DECLARATION OF CHARLES
PIERPOINT IN SUPPORT OF
11 MOTION TO WITHDRAW AS
12 ATTORNEY OF RECORD
18 U.S.C.A 3006 A (b)

13 V.

14 CARLOS D. ARAIZA,
Defendant.

Date of Hrg.: 5-1-08
Time of Hrg.: 2:00 PM.
Department: 6

15
16 I, CHARLES C. PIERPOINT declare:

17 1. I am counsel for the defendant in the above entitled matter.

18 2. I was retained by the defendant on April 6, 2005. The defendant paid a retainer of
19 \$7500.00 to be expended at the hourly rate of \$225.00. For three years, prior to the indictment,
20 the defendant maintained contact and stayed gainfully employed. During those three years
21 approximately one half of the retainer was earned reviewing initial discovery, maintaining
22 contact with two successor Assistant U.S. Attorneys regarding the status of the investigation,
23 communicating with investigating officers, the defendant, and his family.

24 3. On April 2, 2008 the defendant was indicted. On April 7, 2008 I made a general
25 appearance before Magistrate Brazil for the defendant's arraignment. A Detention Hearing was
26 scheduled before Magistrate Larson on April 10. I assisted Pretrial services with their report.
27 I appeared before Judge Larson on April 10 and argued unsuccessfully for pretrial release.

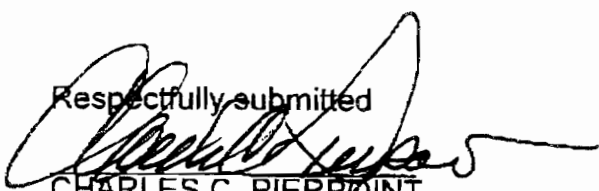
1 4. On or about April 18, 2008 I received the Government's discovery of 398 pages. I
2 have reviewed the entire file. I retained a computer hard drive expert to examine the forensic
3 evidence of the defendant's computer.

4 5. On or about Monday April 20, 2008 I received a letter from the defendant (dated 4-
5 15-08 and postmarked 4-17-08) asking me to discontinue work on his behalf. His retainer has
6 been earned, however, I have not requested payment for the expert, or my additional fees
7 earned until, and if relieved by this court. The defendant is unemployed, having been placed
8 on administrative leave from his employer, and has no financial resources to continue with
9 retained counsel. On April 25th I made an appointment to meet with the defendant. The
10 defendant informed the Deputy "that I was no longer his attorney, and he refused to meet with
11 me."

12 6. I believe the defendant and I have an irreparable conflict which has culminated in
13 his refusal to communicate and cooperate with me to the extent that I am unable to adequately
14 defend him.

15 I declare under the penalty of perjury that the foregoing is true and correct.
16 Dated this 28th day of April 2008 at San Mateo, CA.

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18
19 Respectfully submitted

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21 CHARLES C. PIERPOINT
22 Attorney for Defendant
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PROOF OF SERVICE

I am employed in the County of San Mateo. I am over the age of eighteen years and not a party to the above-entitled action. My business address is 1700 S. El Camino Real, Suite 220, San Mateo, California 94402.

On April 28, 2008, I served documents entitled MOTION TO WITHDRAW AS ATTORNEY OF RECORD on the parties by U.S. Mail, postage prepaid at San Mateo, CA and by FACSIMILE to:

(510) 637-3724

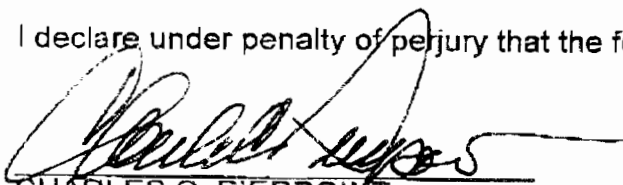
ANDREW S. HUANG, ESQ.

Assistant U.S. Attorney
1301 Clay Street, Suite 340 S
Oakland, CA 94612

BY MAIL TO:

CARLOS ARAIZA
PFN; ULL 977
550 6TH Street
Oakland, CA 94607

I declare under penalty of perjury that the foregoing is true and correct.



CHARLES C. PIERPOINT

PROOF OF SERVICE